

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

| | | |
|-----------------------------------|---|----------------------------|
| Wood Creek Properties of Landrum, |) | |
| LLC, |) | |
| |) | |
| Plaintiff, |) | C.A. No. 7:20-03249-HMH |
| |) | |
| vs. |) | OPINION & ORDER |
| |) | |
| Duke Energy Carolinas, LLC, and |) | |
| Duke Energy Corporation, |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on Duke Energy Carolinas, LLC and Duke Energy Corporation’s (collectively, “Defendants”), motion to dismiss Duke Energy Corporation as a defendant pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. At this early stage in the litigation and after review of the pleadings in this case, the court denies Defendants’ motion. See Mylan Labs., Inc. v. Matkari, 7 F.3d 1130, 1134 (4th Cir. 1993) (“[A] motion to dismiss for failure to state a claim should not be granted unless it appears certain that the plaintiff can prove no set of facts which would support its claim and would entitle it to relief.”).

It is therefore

ORDERED that Defendants’ motion to dismiss, docket number 5, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
October 7, 2020